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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,881	05/21/2002	Shih-Kuang Tsai	IACP0013USA	2349

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,881

Applicant(s)

TSAI ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 6/8/2005. Accordingly, claims 13-14 are canceled, and claims 1-12 and 15 are pending for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makele et al. (US PAT. 6,501,967 hereinafter Makele) in view of Futamase et al. (US 2003/0224767 hereinafter Futamase).

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Regarding claim 1, Makela discloses a method for playing at least a ring tone according to an associated ring tone data comply with a predetermined format to inform a user of a call, wherein the ring tone data used by a mobile communication device can be edited by means of user interface (abstract and col. 3 line 2 through col. 4 line 28). Makela differs from the claimed invention in not specifically teaching a format converting method for receiving a first ring tone data complying with a first format and converting the first ring tone data complying with the first format into a second ring tone data complying with the predetermined format according to a predetermined conversion rule, wherein both the first ring tone data and the second ring tone data correspond to an identical ring tone, and informing the user that the first ring tone data are invalid when first ring tone do not comply with the first format. However, Futamase teaches a terminal system comprising means for converting a first ring tone data complying with a first format into a second ring tone data complying with a suitable format inside the terminal system according to a predetermined conversion rule if the received first ring tone data is valid, wherein the first ring tone data and the second ring tone data correspond to an identical ring tone, and a display circuit (5, figure 1) for providing various pieces of visual check information including various pieces of melody information, i.e., ring tone data, associated with sound control so that one skill in the art would recognize Futamase teaches to inform the user that the ring tone being invalid when the ring tone do not comply with a particular format ([0069], [0030] through [0031], [114] and [0134] through [0143]), thereby enhancing system extensibility. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Makela in having the format converting method for receiving a first ring tone data

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complying with a first format and converting the first ring tone data complying with the first format into a second ring tone data complying with the predetermined format according to a predetermined conversion rule, wherein both the first ring tone data and the second ring tone data correspond to an identical ring tone, and informing the user that the first ring tone data are invalid when first ring tone do not comply with the first format, as per teaching of Futamase, in order to enhance system extensibility.

Regarding claim 2, Makela discloses the mobile communication device (1, figure 1A) comprising a database (12, figure 4) of ring tone formats for recording at least a first format related to the first ring tone data (col. 5 lines 50-52), as well as Futamase ([0067]).

Regarding claim 3, Futamase discloses the step of identifying first format of the first ring tone data according to the database of ring tone format to determine whether the first ring tone is valid ([0136]).

Regarding claim 4, Futamase discloses the database for recording configuration information, i.e., at least a predetermined conversion rule, and the configuration information being individually associated with a first format of the first ring tone data ([0100]).

Regarding claims 5-6, Futamase discloses the steps of storing the second ring tone data complying with the predetermined format and the database of ring tones for recording the second ring tone data complying with the predetermined format (0137] through [0142] and [0303]).

Regarding claim 7, Makela discloses the mobile communication device (1, figure 1a) being a cellular telephone, as well as Futamase ([0066]).

Regarding claim 8, Makela discloses a mobile communication device (1, figure 1a) comprising a storage module (12, figure 4) for storing at least a first format of a first ring tone data, a processor (11, figure 4) electrically connected to the storage module for playing the first ring tone according to an associated ring tone data comply with a predetermined format to inform a user of a call, wherein the ring tone data used by a mobile communication device can be edited by means of user interface (abstract and col. 3 line 2 through col. 4 line 28). Makela differs from the claimed invention in not specifically teaching a receiving module for receiving a first ring tone data, and a conversion module electrically connected to the processor and the storage module for converting the first ring tone data complying with the first format into a second ring tone data complying with a second format according to the conversion rule, wherein the processor electrically connected to the storage module and the receiving module for determining whether the first ring tone complying with the first format and the conversion module is activated to generate the second ring tone data so that the mobile communication device can play a ring tone according to the second ring tone data when the first ring data complying with the first format, and a display module electrically connected to the processor for informing a user that the first ring tone data are invalid when the first ring tone data do not comply with the first format. However, Futamase teaches a terminal system comprising receiving means for receiving a first ring tone data and converting means for converting a first ring tone data complying with a first format into a second ring tone data complying with a suitable format inside the terminal system according to a predetermined conversion rule if the received first ring tone data is valid, wherein the terminal system determining whether the first ring tone data comply with the

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first format and activate the converting means to generate the second ring tone when the first ring tone data comply with the first format so that the terminal system can play a ring tone according to the second ring tone data, and a display circuit (5, figure 1) for providing various pieces of visual check information including various pieces of melody information, i.e., ring tone data, associated with sound control so that one skill in the art would recognize Futamase teaches to inform the user that the ring tone being invalid when the ring tone do not comply with a particular format ([0069], [0030] through [0031], [114] and [0134] through [0143]), thereby enhancing system extensibility. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Makela in having the receiving module for receiving a first ring tone data, and the conversion module electrically connected to the processor and the storage module for converting the first ring tone data complying with the first format into a second ring tone data complying with a second format according to the conversion rule, wherein the processor electrically connected to the storage module and the receiving module for determining whether the first ring tone complying with the first format and the conversion module is activated to generate the second ring tone data so that the mobile communication device can play a ring tone according to the second ring tone data when the first ring data complying with the first format, and a display module electrically connected to the processor for informing a user that the first ring tone data are invalid when the first ring tone data do not comply with the first format, as per teaching of Futamase, in order to enhance system extensibility.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 2.

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Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claims 5-6.

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 15, Futamase teaches the display module (5, figure 1) for providing various pieces of visual check information including various pieces of melody information, i.e., ring tone data, associated with sound control so that one skill in the art would recognize Futamase teaches to inform the user that the ring tone being invalid by displaying a message on the display module ([0069]).

Response to Arguments

4. Applicant's arguments filed 6/8/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Futamase fails to teach the display inform a user that the first ring tone data do not comply with the first format, it is noted that Futamase clearly teaches a display module (5, figure 1) for providing various pieces of visual check information including various pieces of melody information, i.e., ring tone data, associated with sound control ([0069]) so that one skill in the art would recognize Futamase teaches to inform the user that the ring tone being invalid when the ring tone do not comply with a particular format. Thus, the combination of Makele and Futamase is enough to reject the broad claimed limitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

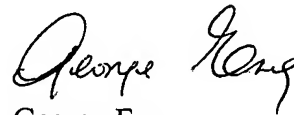
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
Art Unit 2643